

David Zavala  
December 20, 2021

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

NICHOLAS JAMES MCGUFFIN, as an	)	
individual and as guardian ad	)	
litem, on behalf of S.M., a	)	Civil No.
minor,	)	6:20-cv-01163-MK
	)	
Plaintiffs,	)	VIDEOCONFERENCE
	)	DEPOSITION
v.	)	
	)	
MARK DANNELS, PAT DOWNING,	)	
SUSAN HORMANN, MARY KRINGS,	)	
KRIS KARCHER, SHELLY MCINNES,	)	
RAYMOND MCNEELY, KIP OSWALD,	)	
MICHAEL REAVES, JOHN RIDDLE,	)	
SEAN SANBORN, ERIC	)	
SCHWENNINGER, RICHARD WALTER,	)	
CHRIS WEBLEY, ANTHONY WETMORE,	)	
KATHY WILCOX, CRAIG ZANNI,	)	
DAVID ZAVALA, ESTATE OF DAVE	)	
HALL, VIDOCQ SOCIETY, CITY OF	)	
COQUILLE, CITY OF COOS BAY,	)	
COOS COUNTY, and OREGON STATE	)	
POLICE,	)	
	)	
Defendants.	)	
	)	

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DEPOSITION UPON ORAL EXAMINATION  
OF DAVID ZAVALA

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<p style="text-align: right;">Page 2</p> <p>1 BE IT REMEMBERED THAT, pursuant to the Oregon Rules of 2 Civil Procedure, the deposition of DAVID ZAVALA, an 3 adverse-party witness, was taken remotely via videoconference 4 on behalf of the Plaintiffs, before JEAN M. KOSTNER, a 5 Certified Court Reporter for Oregon, on Monday, the 20th day of 6 December, 2021, at the hour of 9:00 a.m., in the State of 7 Oregon. 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 ALSO PRESENT: 2 Nick McGuffin 3 4 REPORTED BY: 5 Jean M. Kostner, CSR #90-0051 6 Subcontractor for: 7 US LEGAL SUPPORT 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES 2 3 ON BEHALF OF THE PLAINTIFFS: 4 Andrew C. Lauersdorf, OSB #980739 5 Janis C. Puracal, OSB #132288 6 Christine A. Webb, OSB #184744 7 MALONEY LAUERSDORF, REINER, PC 8 1111 East Burnside Street, Suite 300 9 Portland, Oregon 97214 10 (503) 245-1518 11 acl@mlrlegalteam.com 12 jcp@mlrlegalteam.com 13 caw@mlrlegalteam.com 14 ON BEHALF OF THE DEFENDANTS: 15 Sarah R. Henderson 16 LAW OFFICE OF ROBERT E. FRANZ, JR. 17 Post Office Box 62 18 Springfield, Oregon 97477 19 (541) 741-8220 20 shenderson@franzlaw.comcastbiz.net 21 (Representing City of Coquille, City of Coos Bay, 22 Coos County, Craig Zanni, Chris Webley, Eric 23 Schwenninger, Sean Sanborn, Ray McNeely, Kris 24 Karcher, Pat Downing, Mark Dannels, Kip Oswald, 25 Michael Reaves, David Zavala, Anthony Wetmore, Shelly D. McInnes)  Jesse B. Davis OREGON DEPARTMENT OF JUSTICE 100 Southwest Market Street Portland, Oregon 97201 (503) 947-4700 jesse.b.davis@doj.state.or.us (Representing Oregon State Police, John Riddle, Susan Hormann, Mary Krings, Kathy Wilcox) Amanda Rockett WOOD SMITH HENNING &amp; BERMAN LLP 12755 Southwest 69th Avenue, Suite 100 Portland, Oregon 97223 (971) 256-4023 arockett@wshblaw.com (Representing Vidocq Society and Richard Walter)</p>	<p style="text-align: right;">Page 5</p> <p>1 INDEX OF TESTIMONY 2 3 WITNESS PAGE 4 DAVID ZAVALA 5 Examination by Mr. Lauersdorf . . . . . 7 6 7 8 9 10 11 12 13 14 REQUESTS FOR INFORMATION 15 16 Information Requested by Mr. Lauersdorf: PAGE LINE 17 Reports reviewed prior to depositions 17 19 18 19 20 21 22 23 24 25</p>

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2	EXHIBIT NO.	DESCRIPTION	IDENTIFIED
3	EXH 1	Coquille Police Department Incident Report, No. 00001911, 06/29/00 (4 pages)	45
4	EXH 2	Coquille Police Department Supplemental Report, No. 00001905, 06/29/00 (5 pages)	46
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7	EXH 13	David Zavala Grand Jury Testimony (11 pages)	79
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DAVID ZAVALA,			Page 7
1	called as a witness on behalf of the Plaintiffs, having been		
2	first duly sworn to tell the truth, the whole truth, and		
3	nothing but the truth, was examined and testified as follows:		
4	THE WITNESS: Yes, I do.		
5	EXAMINATION		
6	BY MR. LAUERSDORF:		
7	Q. Officer Zavala, my name is Andy Lauersdorf. You		
8	and I have never met before. Is that right?		
9	A. Yes.		
10	Q. Are you having trouble hearing me?		
11	A. I was just going to turn it up just a little bit.		
12	Q. Okay.		
13	A. All right.		
14	MS. HENDERSON: Oh, that's --		
15	A. That's about it. Okay.		
16	MS. HENDERSON: I'm going to make this a little		
17	bigger so we can see better.		
18	BY MR. LAUERSDORF:		
19	Q. You understand that I'm an attorney. Correct?		
20	A. Yes.		
21	Q. And you understand that I represent the plaintiffs		
22	in this matter, Mr. McGuffin and his daughter. This matter is		
23	a lawsuit filed against a number of defendants, including		
24	yourself. Right?		
25			

  

1	A. Yes.	Page 8
2	Q. Can you please state your name as given at birth.	
3	A. David Zavala.	
4	Q. Do you have a middle name at all?	
5	A. No middle name.	
6	Q. I noticed that in your -- somewhere in your	
7	background the name David Calvin Zavala comes up. Have you	
8	ever used the name Calvin for any reason?	
9	A. No.	
10	Q. What's your place and date of birth?	
11	A. My place and date of birth?	
12	Q. Yes.	
13	A. Salem, Oregon. February 4th, 1971.	
14	Q. And what's your current address? Business address.	
15	A. My business address, 930 Chemawa Road, Northeast,	
16	Keizer, Oregon.	
17	COURT REPORTER: 930 -- what's the road?	
18	A. Chemawa, C-H-E-M-A-W-A, Road, Northeast, and that's	
19	in Keizer, Oregon.	
20	BY MR. LAUERSDORF:	
21	Q. And that's Keizer, K-E-I-Z-E-R. Right?	
22	A. Yes.	
23	Q. Who is your current employer?	
24	A. City of Keizer.	
25	Q. Is that Keizer PD?	

  

1	A. Yes.	Page 9
2	Q. When did you start with Keizer Police Department?	
3	A. October of 2000.	
4	Q. And what's your current title?	
5	A. Police officer.	
6	Q. Are you still a school resource officer?	
7	A. I am not.	
8	Q. Have you attained a rank beyond a standard officer?	
9	Sergeant, lieutenant, captain, anything like that? Detective?	
10	A. Well, I guess I'd question detective as being a	
11	rank.	
12	Q. Well, any title beyond police officer.	
13	A. I would say no. I say that because the position	
14	I'm currently in from our agency, we are not documented as or	
15	considered detectives due to our agree- -- shoot, I just drew a	
16	blank -- based on our contract, but other agencies consider us	
17	detectives because of the work that we do.	
18	Q. Okay. But you haven't achieved the rank of	
19	sergeant or lieutenant or captain, anything like that?	
20	A. That is correct. I have not.	
21	Q. Okay. And what's your DPSST number?	
22	A. 37549.	
23	Q. Okay. You're here today to be deposed. Do you	
24	understand that?	
25	A. Yes.	

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<p style="text-align: right;">Page 34</p> <p>1 Q. And so Coquille PD didn't have any kind of policy 2 about you having to write up your reports as soon as possible 3 or the next day or whatever after an encounter? 4 A. Not that I can recall, that there was a policy for 5 that, to give us a timeline. 6 Q. Okay. So from their perspective, it was when you 7 got to it, you got to it? 8 A. That was something you would have to ask them. 9 Q. Okay. And then, if an investigation that you were 10 involved in resulted in a suspect being charged or indicted, 11 what were you supposed to do with your reports and notebooks at 12 that point? 13 A. If they were charged and indicted? 14 Q. Charged or indicted. 15 A. So I guess I'm not understanding the question. 16 Because you -- 17 Q. But you understand that a person can be charged on 18 an information. Right? A person can be charged with a crime 19 and tried without being indicted. Right? 20 A. Correct. I understand that. 21 Q. So when a suspect is either charged with a crime 22 and being prosecuted, or indicted and being prosecuted, at that 23 point what was your -- what were you supposed to do with your 24 notebooks and police reports? 25 A. Well, with the police report, once we complete it,</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. Do you know what a Brady obligation is? 2 A. I'm familiar with the term of being "bradied." I 3 had not heard that term until recently here where I work at the 4 Keizer Police Department. 5 Q. Okay. What does "being bradied" mean to you? 6 A. To me it means that we, as an officer, are not 7 found to be credible and that we will not be able to give 8 testimony in a criminal nature. 9 Q. Okay. Did anyone at Coquille ever provide you any 10 training with your obligations to turn over evidence to a 11 criminal defendant? 12 A. That, I don't recall. 13 Q. While you were employed with Coquille Police 14 Department, did Coquille Police Department provide you any 15 training on protecting a suspect's constitutional rights? 16 A. That, I don't recall. 17 Q. Were you assigned a mentor when you started at the 18 Coquille PD? Or just the FTO? 19 A. Just the FTO. 20 Q. And how long did you have to work with the FTO? 21 How long was your field training? 22 A. From the time that I started employment there until 23 the time that I completed my FTEP manual, which I think you 24 alluded to was in May of -- May of '99. 25 Q. Okay. So at that point you would have been on your</p>
<p style="text-align: right;">Page 35</p> <p>1 it gets sent to the supervisor to approve it. 2 Q. Okay. 3 A. At that point, I would assume that they are the 4 ones that route it. Our records department would route it to 5 the DA's office, so the DA's office would have that report. 6 Q. Okay. So you don't have any role in making sure 7 that the DA would get your reports? 8 A. No. 9 Q. Did you have any role in making sure that the DA 10 would get your notebooks? 11 A. No. 12 Q. In the time you were employed with the Coquille 13 Police Department, did they provide you with any in-house 14 training on evaluating witness credibility? 15 A. That, I do not recall. 16 Q. Did they provide you with any in-house training on 17 documenting a crime scene? 18 A. That, I do not recall. 19 Q. Did they provide you with any in-house training on 20 collecting and preserving evidence? 21 A. That, I do not recall. 22 Q. During your time with Coquille Police Department, 23 did they provide you with any in-house training on what are 24 commonly referred to as "Brady obligations"? 25 A. That, I do not recall.</p>	<p style="text-align: right;">Page 37</p> <p>1 own? 2 A. Correct. 3 Q. And what was the chain of command at Coquille PD 4 when you started? Who was your direct report? 5 A. Depending on which shift I was working, because 6 there's times that I would work by myself; there's other times 7 that I would work during the daytime, and you would have a 8 lieutenant there, you may have a sergeant there, and you also 9 had the police chief there. 10 Q. Who was responsible for reviewing your reports? 11 A. I don't know if anybody one -- if one person was 12 responsible. I know I didn't review them, so I don't know 13 who -- you would have to ask them who was ultimately 14 responsible. 15 Q. Okay. Well, who do you recall reviewing any of 16 your reports? 17 A. Chief Reaves. 18 Q. Okay. Anyone else? 19 A. No. 20 Q. And what were your job responsibilities once 21 you're -- once you completed your FTEP manual? Just standard 22 patrol officer? 23 A. Yes. 24 Q. So what kind of cases did you handle then at the 25 outset?</p>

